

Proposal to Revise the Operating Policy of the Faculty Post-Tenure Review Appeals Committee

September 20, 2022

NOTE: The operating policy of the FPTRAC has been completely revised. The current 2001 policy is on pp. 2-3 of this document. The 2001 policy marked in red to indicate revisions is on pp. 4-5. The proposed revision of the operating policy is on pp. 6-7.

Rationale: The operating policy of the University Council's Faculty Post-Tenure Review Appeals Committee (FPTRAC) was last revised and approved by both the University Council and President Michael Adams in 2001. Given the University System of Georgia's Board of Regents' recent revision of its post-tenure review policy, the committee's operating policy also needs to be revised. See the information in the Board of Regents Policy Manual about the Evaluation of Personnel, 8.3.5, including post-tenure review, [here](#) and information in the Board of Regents' Academic & Student Affairs Handbook about post-tenure review [re](#).

Four volunteers from the University Council's Faculty Post-Tenure Review Appeals Committee (Harsha Thippareddi, chair, and James Moore, member) and its Committee on Statutes, Bylaws, and Committees (Elizabeth St.Pierre, chair, and David Shipley, member) as well as Barbara Biesecker (chair, University Council Executive Committee and leader of the Provost's Faculty Evaluation Policies and Practices Subgroup on Due Process) met and wrote the revision of the 2001 FPTRAC Operating Policy presented here. Each committee voted to approve this proposed revision of the FPTRAC's Operating Policy.

Rationale of Document Substitution: The Board of Regent's revised Policy for Review of Tenured Faculty clearly states that appeals are allowable ONLY after the completion and unsatisfactory final assessment of a Performance Improvement Plan. The Revised Operating Policy of the Faculty Post-Tenure Review Appeals Committee (April 4, 2022) erroneously included language suggesting otherwise. That language has been excised and the text modified in order to bring the policy into compliance with the Board of Regent's Policy.

The substitute document has been reviewed and approved (by electronic vote) of the members of the Faculty Post-Tenure Review Appeals Committee, the Committee on Statutes, Bylaws, and Committees, and the Executive Committee (per *Robert's Rules of Order*).

ORIGINAL FPTRAC OPERATING POLICY

Approved by President Michael Adams, February 28, 2001

POST-TENURE REVIEW APPEALS COMMITTEE OPERATING POLICY

- A. The Post-Tenure Review Appeals Committee (PTRAC) shall hear only appeals from a post-tenure review in which the faculty member has received an evaluation of "unsatisfactory" by the post-tenure review unit. Before an appeal may be filed with the PTRAC, the faculty member must have exhausted all appropriate administrative remedies within the school or college. If the faculty member then wishes to file an appeal with the PTRAC, he/she must submit a written request for appeal to the PTRAC stating fully the grounds on which the appeal is based. This written request must be filed with the PTRAC within 15 days after a final decision has been rendered by the school or college under the appropriate administrative appeals procedure.
- B. In extraordinary cases, the PTRAC, in its sole discretion, may grant a variance from the exhaustion requirement if the appellant petitions the PTRAC for such a variance in writing and shows good cause why the exhaustion requirement should not apply. The written request for variance must be filed with the PTRAC within 15 days of receiving the unsatisfactory post-tenure evaluation.
- C. In considering appeals, the PTRAC will act as a committee of the whole. The Chair shall be a voting member of the committee. A final decision requires a simple majority of the whole committee (4/7). To avoid conflicts of interest, members of the PTRAC shall not serve on any other post-tenure review committee during their term as a PTRAC member.
- D. Once an appeal is filed, the PTRAC may consider the fairness of the evaluation process within the post-tenure review unit, the reasonableness of the determination, as well as the appropriateness of the COURSE OF ACTION suggested by the post-tenure review unit THAT MIGHT STRENGTHEN THE FACULTY MEMBER'S PERFORMANCE. In addition to the written appeal, the committee, in its sole discretion, may hear and consider oral testimony.
- E. If the PTRAC decides that the decision of the post-tenure review unit is fair and valid and that the suggested COURSE OF ACTION FOR improvement IS appropriate, the decision of the post-tenure review unit will then be final and binding on the appellant. If, instead, the PTRAC decides that the evaluation process was flawed or that the determination of unsatisfactory is invalid, the PTRAC may (1) order that the matter be reheard by the post-tenure committee as if the matter had not previously been heard before and as if no decision had been previously rendered, or (2) it may ORDER that the decision of the post-

tenure review unit be reversed outright. IF THE PTRAC DECIDES THAT ONLY PART OF THE REVIEW WAS INAPPROPRIATE FOR WHATEVER REASON, THE PTRAC MAY REMAND THE MATTER TO THE LOWER COMMITTEE FOR FURTHER ACTION AS DIRECTED BY THE COMMITTEE.

- F. If the PTRAC decides that the evaluation itself is fair and valid, but the suggested COURSE OF ACTION FOR improvement IS not appropriate, the PTRAC may 1) hold MEETINGS with the POST-TENURE REVIEW COMMITTEE, THE appellant and the PROMOTION/TENURE UNIT head in order to reach a satisfactory solution,
2) remand to the post-tenure review COMMITTEE with recommendations, or 3) recommend outside mediation.
- G. The decision of the PTRAC is final and binding. The prior decision of any other committee is not binding on the PTRAC, although the PTRAC may take such a decision into consideration. If issues before the PTRAC are being considered simultaneously by the Faculty Grievance Committee, the Faculty Grievance proceeding shall be stayed until the PTRAC renders its decision.
- H. THE PTRAC SHALL NOT HEAR APPEALS CONCERNING THE FORMAL PLAN OF FACULTY DEVELOPMENT. THIS FORMAL PLAN IS ESTABLISHED BY THE PROMOTION/TENURE UNIT HEAD, THE FACULTY MEMBER, AND THE CHAIR OF THE POST-TENURE REVIEW COMMITTEE AFTER ALL REQUESTS FOR RECONSIDERATION AND APPEALS HAVE BEEN EXHAUSTED.
- I. A RECORD OF ANY ACTION TAKEN AS A RESULT OF AN APPEAL, INCLUDING ALL DOCUMENTS RELATED TO THE APPEAL, WILL BE MAINTAINED BY THE OFFICE OF FACULTY AFFAIRS IN THE OFFICE OF THE VICE PRESIDENT FOR INSTRUCTION.

2001 FPTRAC OPERATING POLICY WITH REVISIONS MARKED IN RED

Approved by President Michael Adams, February 28, 2001

POST-TENURE REVIEW APPEALS COMMITTEE OPERATING POLICY

- ~~A. The Post-Tenure Review Appeals Committee (PTRAC) shall hear only appeals from a post-tenure review in which the faculty member has received an evaluation of "unsatisfactory" by the post-tenure review unit. Before an appeal may be filed with the PTRAC, the faculty member must have exhausted all appropriate administrative remedies within the school or college. If the faculty member then wishes to file an appeal with the PTRAC, he/she must submit a written request for appeal to the PTRAC stating fully the grounds on which the appeal is based. This written request must be filed with the PTRAC within 15 days after a final decision has been rendered by the school or college under the appropriate administrative appeals procedure.~~
- ~~B. In extraordinary cases, the PTRAC, in its sole discretion, may grant a variance from the exhaustion requirement if the appellant petitions the PTRAC for such a variance in writing and shows good cause why the exhaustion requirement should not apply. The written request for variance must be filed with the PTRAC within 15 days of receiving the unsatisfactory post-tenure evaluation.~~
- ~~C. In considering appeals, the PTRAC will act as a committee of the whole. The Chair shall be a voting member of the committee. A final decision requires a simple majority of the whole committee (4/7). To avoid conflicts of interest, members of the PTRAC shall not serve on any other post-tenure review committee during their term as a PTRAC member.~~
- ~~D. Once an appeal is filed, the PTRAC may consider the fairness of the evaluation process within the post-tenure review unit, the reasonableness of the determination, as well as the appropriateness of the COURSE OF ACTION suggested by the post-tenure review unit THAT MIGHT STRENGTHEN THE FACULTY MEMBER'S PERFORMANCE. In addition to the written appeal, the committee, in its sole discretion, may hear and consider oral testimony.~~
- ~~E. If the PTRAC decides that the decision of the post-tenure review unit is fair and valid, and that the suggested COURSE OF ACTION FOR improvement IS appropriate, the decision of the post-tenure review unit will then be final and binding on the appellant. If, instead, the PTRAC decides that the evaluation process was flawed or that the determination of unsatisfactory is invalid, the PTRAC may (1) order that the matter be heard by the post-tenure committee~~

~~as if the matter had not previously been heard before and as if no decision had been previously rendered, or (2) it may ORDER that the decision of the post-tenure review unit be reversed outright. IF THE PTRAC DECIDES THAT ONLY PART OF THE REVIEW WAS INAPPROPRIATE FOR WHATEVER REASON, THE PTRAC MAY REMAND THE MATTER TO THE LOWER COMMITTEE FOR FURTHER ACTION AS DIRECTED BY THE COMMITTEE.~~

~~F. If the PTRAC decides that the evaluation itself is fair and valid, but the suggested COURSE OF ACTION FOR improvement IS not appropriate, the PTRAC may 1) hold MEETINGS with the POST-TENURE REVIEW COMMITTEE, THE appellant and the PROMOTION/TENURE UNIT head in order to reach a satisfactory solution, 2) remand to the post-tenure review COMMITTEE with recommendations, or 3) recommend outside mediation.~~

~~G. The decision of the PTRAC is final and binding. The prior decision of any other committee is not binding on the PTRAC, although the PTRAC may take such a decision into consideration. If issues before the PTRAC are being considered simultaneously by the Faculty Grievance Committee, the Faculty Grievance proceeding shall be stayed until the PTRAC renders its decision.~~

~~H. THE PTRAC SHALL NOT HEAR APPEALS CONCERNING THE FORMAL PLAN OF FACULTY DEVELOPMENT. THIS FORMAL PLAN IS ESTABLISHED BY THE PROMOTION/TENURE UNIT HEAD, THE FACULTY MEMBER, AND THE CHAIR OF THE POST-TENURE REVIEW COMMITTEE AFTER ALL REQUESTS FOR RECONSIDERATION AND APPEALS HAVE BEEN EXHAUSTED.~~

~~I. A RECORD OF ANY ACTION TAKEN AS A RESULT OF AN APPEAL, INCLUDING ALL DOCUMENTS RELATED TO THE APPEAL, WILL BE MAINTAINED BY THE OFFICE OF FACULTY AFFAIRS IN THE OFFICE OF THE VICE PRESIDENT FOR INSTRUCTION.~~

**REVISED OPERATING POLICY OF THE FACULTY POST TENURE REVIEW
APPEALS COMMITTEE**

April 4, 2022

CORRECTIONS INCLUDED (September 20, 2022)

- A. The Faculty Post-Tenure Review Appeals Committee, hereafter referred to as the Committee, shall prepare and review procedures for handling appeals, protect academic freedom and academic due process, and ensure compliance with the University's Policy for Review of Tenured Faculty.
- B. The Committee will only hear appeals following completed performance and **unsatisfactory final** assessment of a ~~Performance Remediation Plan or a~~ Performance Improvement Plan regarding:
- i. the integrity and fairness of the post-tenure review unit's processes in the case;
 - ii. the assessment of unsatisfactory on a ~~Performance Remediation Plan or a~~ **the** Performance Improvement Plan;
 - iii. the reasonableness and appropriateness of a Performance Remediation Plan;
 - iv. the reasonableness and appropriateness of ~~a~~ the Performance Improvement Plan;
 - v. the recommended remedial action for the **unsatisfactory final assessment of the** Performance Improvement Plan.

The process of appeal is as follows:

1. All appeals submitted in writing to the Committee must state fully the grounds upon which the appeal is based. This written appeal must be filed with the Committee within 10 University working days after receipt of the unsatisfactory assessment of the completed Performance Remediation Plan, ~~the unsuccessful Corrective Post-Tenure Review, and/or the associated Performance Improvement Plan from the post-tenure review unit.~~
2. When considering appeals, the Committee will act as a committee of the whole. The Committee must render a decision on the appeal. A final decision requires a majority vote of the whole Committee. If only a simple majority of the Committee is present, the vote must be unanimous. The Chair shall be a voting member of the Committee. To avoid conflicts of interest, members of the Committee shall not serve on any other post-tenure review committee during their term. Although committee members may recuse themselves if appropriate, a majority of the whole Committee still will be required for a decision to be rendered. Electronic voting is not permitted after the meeting. Proxies and absentee votes are never allowed.
3. Once an appeal is filed, the Committee may conduct an oral hearing and must do so upon written request from an appellant. In addition to the written appeal **and the full record**, the Committee may hear and consider oral testimony from the appellant as well as other individuals called by the appellant and/or the Committee who may help clarify the case. The appellant has a right to be accompanied by an advisor, such as an attorney, of their own choosing during the hearing. The burden is on the appellant's school or college to demonstrate the integrity and

fairness of the unit's processes and the reasonableness and the appropriateness of the **Performance Improvement Plan and/or Performance Remediation** plans.

4. If a majority of the Committee's members vote that the integrity and fairness of the post-tenure review unit's processes were compromised, **the Performance Improvement Plan was inappropriate or unreasonable, and/or the unsatisfactory final assessment injudicious,** ~~of the completed Performance Remediation Plan or Corrective Post-Tenure Review was unreasonable, or the associated Performance Improvement Plan was unreasonable and/or inappropriate,~~ the decision of the post-tenure review unit will be reversed. Otherwise, the decision of the post-tenure review unit is affirmed.
5. The Chair of the Committee must communicate the decision (including all votes) electronically and in writing to the appellant, the dean, and members of the post-tenure unit within 5 University working days of the votes. The decision, including the votes, the appeal, and all associated documentation shall be placed in the appellant's permanent file. Copies of all materials and the decision will be shared with the Office of the Provost.

6.

**REVISED OPERATING POLICY OF THE FACULTY POST-TENURE REVIEW APPEALS
COMMITTEE**

September 20, 2022

- A. The Faculty Post-Tenure Review Appeals Committee, hereafter referred to as the Committee, shall prepare and review procedures for handling appeals, protect academic freedom and academic due process, and ensure compliance with the University's Policy for Review of Tenured Faculty.
- B. The Committee will only hear appeals following completed performance and unsatisfactory final assessment of a Performance Improvement Plan regarding:
 - i. the integrity and fairness of the post-tenure review unit's processes in the case;
 - ii. the assessment of unsatisfactory on the Performance Improvement Plan;
 - iii. the reasonableness and appropriateness of a Performance Remediation Plan;
 - iv. the reasonableness and appropriateness of the Performance Improvement Plan;
 - v. the recommended remedial action for the unsatisfactory final assessment of the Performance Improvement Plan.

The process of appeal is as follows:

1. All appeals submitted in writing to the Committee must state fully the grounds upon which the appeal is based. This written appeal must be filed with the Committee within 10 University working days after receipt of the unsatisfactory final assessment of the Performance Improvement Plan.
2. When considering appeals, the Committee will act as a committee of the whole. The Committee must render a decision on the appeal. A final decision requires a majority vote of the whole Committee. If only a simple majority of the Committee is present, the vote must be unanimous. The Chair shall be a voting member of the Committee. To avoid conflicts of interest, members of the Committee shall not serve on any other post-tenure review committee during their term. Although committee members may recuse themselves if appropriate, a majority of the whole Committee still will be required for a decision to be rendered. Electronic voting is not permitted after the meeting. Proxies and absentee votes are never allowed.
3. Once an appeal is filed, the Committee may conduct an oral hearing and must do so upon written request from an appellant. In addition to the written appeal and the full record, the Committee may hear and consider oral testimony from the appellant as well as other individuals called by the appellant and/or the Committee who may help clarify the case. The appellant has a right to be accompanied by an advisor, such as an attorney, of their own choosing during the hearing. The burden is on the appellant's school or college to demonstrate the integrity and fairness of the unit's processes and the reasonableness and appropriateness of the Performance Improvement Plan and/or Performance Remediation plans.
4. If a majority of the Committee's members vote that the integrity and fairness of the post-tenure review unit's processes were compromised, the Performance Improvement Plan was inappropriate or unreasonable, and/or the final assessment injudicious, the decision of the post-tenure review unit will be reversed. Otherwise, the decision of the post-tenure review unit is affirmed.

5. The Chair of the Committee must communicate the decision (including all votes) electronically in writing to the appellant, the dean, and members of the post-tenure unit within 5 working days of the votes. The decision, including the votes, the appeal, and all associate documentation shall be placed in the appellant's permanent file. Copies of all materials and the decision will be shared with the Office of the Provost.